

City of Portland, Oregon Bureau of Development Services Land Use Services

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

Date: December 24, 2008

To: Interested Person

From: Chris Caruso, Land Use Services

503-823-5747 / Christine.Caruso@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-160136 DZM KILLINGSWORTH STATION

GENERAL INFORMATION

Applicant: Nancy D'Urso (consultant)

9834 NW Justus

Portland, Oregon 97229

(503) 407-4059

Representative: Shawn Sullivan (owner's rep)

Winkler Development Corporation

210 SW Morrison, Suite 600 Portland, Oregon 97204

(503) 225-1272

Armin Quilici (architect) Vallaster Corl Architects, PC 711 SW Alder, Penthouse Suite

Portland, Oregon 97205

(503) 228-0311

Matt Collier

Portland Development Commission

222 NW 5th Ave

Portland, OR 97209-3812

(503) 823-3200

Site Address: 5510-5514 N INTERSTATE AVE

Legal Description: EXC PT IN ST LOT 2-4 BLOCK 1, NORTH ALBINA

Tax Account No.: R610300020 **State ID No.:** 1N1E15CC 16800

Quarter Section: 2429

Neighborhood: Overlook, contact Claire Paris at 503-998-4878.

Business District: North Portland Business Assoc, contact Jim Schaller at 503-517-9915. **District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at

503-823-4099.

Plan District: NORTH INTERSTATE

Zoning: CXd – Central Employment with design overlay

Case Type: DZM – Design Review with Modifications

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal:

The proposal is for Killingsworth Station, a 62,493 GSF four-story mixed-use, mixed-income building on the vacant full block site at the northeast corner of Interstate Avenue and Killingsworth Street directly adjacent to the Killingsworth stop of the MAX Yellow Line. The project consists of 54 one and two-bedroom residential condominium units above ground floor commercial/retail condominiums and is designed to achieve a minimum LEED Silver certification (Leadership in Energy and Environmental Design), a voluntary certification system that promotes sustainable construction practices.

The L-shaped building is placed close to the west and south property lines so the bulk of the building is up against Killingsworth and Interstate, leaving the northeast portion of the site surface parking under screened carports that support eco-roofs. Driveway access is off of N Maryland and N. Church Street. Existing sidewalks will be upgraded and a large tree along N. Maryland will be saved. Exterior building materials include a poured architectural concrete base with aluminum or wood storefront systems, integrated light bands in the columns, and sign panels for future tenants. The north and east elevations facing the parking area contain individual garages of smooth cmu block walls with aluminum and glass doors. The carports are screened from the street with dense wood slats. The upper floors are covered with multi-colored Swiss Pearl panels, fiberglass windows and wood siding accents. The west elevation features an exterior sliding wood window screen system to allow residents of these units to control solar heat gain.

Modifications being requested through design review include:

- 1. Reduce the parking lot landscape buffer at the north boundary of the CXd zone adjacent to the Tri-Met substation from 5 feet to 3 feet wide with L3 landscaping. (PZC.33.266.130.G.2c);
- 2. Reduce the parking lot landscape buffer at N. Church Street from 5 feet to 2'-9" wide for 10 feet along the public right-of-way. (PZC.33.266.130.G.2d);
- 3. Not provide a separated pedestrian connection from the interior of the site to N. Church Street. (PZC.33.130.240.B.1a); and
- 4. Reduce the size of one of the two required loading spaces from required at least 35 feet long, 10 feet wide, and have a clearance of 13 feet to 16 feet long and 8 feet-6 inches wide, the size of regular parking space (PZC.33.266.310.D).

The Adjustment to the number of loading spaces that was submitted with the original application has been removed and replaced with the request for Modification #4 at the recommendation of the Portland Office of Transportation.

New construction in the North Interstate Plan District requires design review. Modifications being requested to the Portland Zoning Code require review and can be done as part of the design review process.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- 33.561 North Interstate Plan District
- Community Design Guidelines

- 33.825 Design Review
- **33.825.040** Modifications

ANALYSIS

Site and Vicinity: 5510-5514 N Interstate Avenue is a 12,000 square foot undeveloped site located in the North Interstate Plan District. The site is bordered by N Interstate Avenue (District Collector Street, Regional Transitway/Major Transit Priority Street, City Bikeway, City Walkway) to the west, N Killingworth Street (District Collector Street, Major Transit Priority Street, City Bikeway, City Walkway) to the south, N Maryland Avenue to the east and N Church Street (Local Service Bikeways and Local Service Walkways) to the north. The site is adjacent to multiple modes of transportation, including the Killingsworth Yellow Line light rail station on Interstate Avenue which also contains a bike lane, and a large bus stop on both sides of N Killingsworth Street. Both Killingsworth and Interstate are major transportation connections between downtown Portland, the peninsula of North Portland and Vancouver, Washington. Interstate also serves as a parallel freight route to I-5 to the east.

The recently adopted North Interstate District Plan outlines a number of distinct areas for development along the North Interstate corridor. The Killingsworth and Interstate area is envisioned as an extension of the commercial and mixed-use residential development taking place along Killingsworth east of I-5. The area around Killingsworth and Interstate is currently developed with one and two-story auto-accommodating commercial buildings from various decades, surface parking lots, and single-family homes.

Zoning: The <u>Central Commercial (CX) zone</u> is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The <u>design (d) overlay zone</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 08-106267 DZM Withdrawn Design Review for approval of mixed use development;
- LU 04-028524 ZC Approval of zoning map amendment;
- LU 02-106168 CU Approval for Max substation with adjustment to reduce minimum required landscaping buffer and reduce minimum lot size for a Conditional Use;
- PC 7317C Approval of a revocable permit to allow the continued operation and enlargement of an auto upholstery business.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on **October 14, 2008**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Division of BDS;
- Portland Fire & Rescue:
- Portland Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation;

The <u>Bureau of Transportation Engineering & Development Review</u> responded with the following comment. Please see Exhibit E-1 for additional details.

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Portland Transportation recommends approval of the Design Review with the following condition: One of the surface parking spaces should be signed and marked as "Service Vehicles 9AM-4PM" to provide adequate loading space for the project.

The <u>Site Development Section of the Bureau of Development Services</u> responded with the following comment. Please see Exhibit E-2 for additional details.

Site Development has reviewed the revised Stormwater Report prepared by MGH Planning and Engineering dated November 24, 2008 and associated plans (Sheets Co.0, C1.0, C2.0, C3.0, C4.0 and C4.1). The conceptual stormwater design utilizing an infiltration swale and infiltration basin for parking lot runoff and a soakage trench for on-site infiltration of roof runoff is acceptable, and Site Development has no objection to the stormwater sizing methodology used for the private on-site stormwater treatment and infiltration facilities. However, the applicant is advised that stacking the parking lot swale on top of the soakage trench must be approved by the Oregon Department of Environmental Quality through the UIC registration process.

Tri-Met responded with the following comment. Please see Exhibit E-3 for additional details. TriMet bus line 72 serves the proposed development with a westbound stop (LocID 3170) located near the northeast corner of the intersection. Current ridership is 58 daily ons, 306 daily offs, and 40 monthly lifts. We'd like to be notified of any construction activity that affects this bus stop, including being given advanced notice of the need to close/relocate this stop *temporarily* during construction.

The site plan suggests that the new building will be quite close to the existing shelter and we would like to ensure that the project has taken pedestrian flow along the affected walkway/shelter area into account when creating their design. We also have 2 advertising benches at this site and may want to retain one or both of them, depending on the seating needs of our bus patrons.

The **Bureau of Environmental Services** responded with the following comment. Please see Exhibit E-4 for additional details.

BDS Site Development reviewed a revised Stormwater Report prepared by MGH Planning and Engineering dated November 24, 2008 and has determined that the conceptual plan showing on-site infiltration facilities for managing stormwater runoff from this project on private property is acceptable. In addition, Site Development advised that applicant that stacking the parking lot swale on top of the soakage trench must be approved by the Oregon Department of Environmental Quality through the UIC registration process.

Based on BDS Site Development's approval of the on-site stormwater disposal plan for this project, BES has no objections to the request for Design Review approval.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **October 14, 2008**. No written comments in response to the proposal have been received from the neighborhood association (Overlook) or notified property owners.

ZONING CODE APPROVAL CRITERIA

I. Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality,** which establishes Portland's urban design framework; **(E) Pedestrian Emphasis,** which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design,** which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

Findings: The character of development surrounding the site is a mix of commercial and residential uses constructed in architectural styles from various decades. The identity and character of the area is expected to change from auto-oriented, low-scale development surrounded by single-family homes to a denser, more urban environment envisioned as part of the recently adopted North Interstate Plan District. Killingsworth Station fits into this new image of the Interstate corridor and brings an urban, mixed-use, transit-supportive, ecofriendly design to the area.

The project transitions between the existing commercial uses, the Interstate transit corridor, and the older residential neighborhood by placing less intense uses closest to residences and more intense commercial uses along Killingsworth and Interstate. In addition, a local Heritage Tree in the northeast corner of the site, which is part of the neighborhood character, will remain in place and will be protected during construction. *This quideline is therefore met*.

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

Findings: The entire site is encircled by a continuous public sidewalk, linking all areas of the project to the public right-of-way. Paved areas lead directly from the sidewalks to each commercial tenant entrance, the main residential lobby on Killingsworth Street and to the rear parking area. Dedications of right-of-way along both street frontages will create generous 6 and 8-foot sidewalks constructed to city standards. These wider sidewalks and new street trees along Killingsworth and Interstate will help buffer pedestrians from moving vehicles.

New 6-foot sidewalks along N Church Street and N Maryland Avenue and an 8-foot Killingsworth Street sidewalk are buffered from the street by on-street parking, street trees, planting strip vegetation, vegetated stormwater facilities, and the retention of the Heritage Tree. These features create pedestrian zones that link the site to the nearby residential areas. The project's exterior lighting and signage at the street level will enhance safety during the evening hours.

The pedestrian circulation pathway and sidewalk at the rear building entry will be made of contrasting materials and textures from the adjacent auto drive aisle and parking areas,

which are asphalt. Vehicle access and loading is located in the rear of the building where it will not negatively impact the pedestrian environment along the building frontage zones. *This quideline is therefore met.*

- **E2. Stopping Places.** New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.
- **E3.** The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.
- **E5.** Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings for E2, E3 & E5: Generous sidewalk areas and building setbacks at the street level provide areas in front of the commercial spaces for pedestrians and customers to stop, socialize, meet and rest. The residential entry is also set back from the street and has a wide gathering space in front of the doors. Placing the building at the N Interstate right-of-way creates a 12-foot public area between the street and the building consisting of a 6-foot wide sidewalk and 4-foot street furniture zone that opens up the area and provides a respite for pedestrians. Killingsworth Street has a 15'-2 ½" open area between the edge of the building and the edge of the street. This area establishes a strong sense of urban enclosure as well and includes a planting strip with street trees and an 8-foot sidewalk. This design provides easy views of ground floor active uses, access to shops or commercial uses, Tri-Met buses, and the main residential entry.

The building façade at the sidewalk level along Interstate and Killingsworth is distinct from the residential floors above. The ground floor consists of a concrete base with large areas of storefront glazing while the upper stories are finished in Swiss Pearl panels (a type of fiberboard with externally applied color), siding, balconies, sun screens, and smaller residential-scale openings. The projecting balconies, sunshades and materials contrast with the ground floor's smooth transparent design emphasizing the pedestrian scale at the street level. Large streetfacing storefront windows provide views into active ground-floor areas and invite pedestrians into them.

The main entries into the commercial condominiums have metal canopies which project out over the sidewalk, similar to the main residential entry canopy, and provide weather protection. Nearby bus and light rail shelters provide additional weather protection for passersby. Street trees and the large Heritage tree will provide shade and block the effects of wind and rain for pedestrians along all site edges. A series of wooden sunshades located on the west façade will mitigate excessive amounts of sun and glare for residents. *These quidelines are therefore met.*

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

Findings: The building is placed at the intersection of N Interstate Avenue and N Killingsworth Street, coinciding with the two types of transit alignments on these two streets – the MAX Light Rail and Tri-Met bus service. This creates a solid corner at the intersection, providing a defined urban edge along both streets. The ground-level tenant space at the southwest corner steps back from the upper floors and features large storefront doors and an overhead canopy, leading into this prominent space. *This quideline is therefore met.*

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 & D3: Outdoor areas are created along Interstate and Killingsworth by setting portions of the ground floor façade back from the sidewalk edge, opening up additional spaces for pedestrians, residents and customers to gather. The residential entrance on Killingsworth is very wide and set back from the street, providing a large public gathering space with a bench that is flanked by planters. The rear residential entrance from the parking area is similar to the Killingsworth entrance, providing additional outdoor area on site. All outdoor areas directly connect to the pedestrian circulation system.

The 1997 Portland Heritage Tree (Southern Catalpa) located in the northeast corner of N Church Street and N Maryland Avenue, along with 13 foot deep landscaping along N. Maryland, eco-roofs on the car ports and vegetated stormwater facilities provide a variety of landscape materials. Street trees are incorporated in all perimeter right-of-way areas and setbacks, providing another layer of landscaping and screening. The transformer along N Maryland Avenue will be heavily screened with landscaping. Collectively these border plantings, trees, bio-swales and eco-roofs will screen portions of the project from nearby residences and soften its appearance at the street. *These quidelines are therefore met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, and pedestrian accessible, and transit-oriented.

Findings: The main residential entrance on N Killingsworth faces the bus transit station and is defined by a large overhanging metal canopy that is covered with an eco-roof. The canopy sits within a wide, multi-story glass breezeway flanked by landscape planters, clearly marking this fully accessible entrance. These elements combine to create an inviting and sheltered entryway, complimenting a new pedestrian connection and sidewalk area. This doorway and window configuration is mirrored at the rear entry which features a similar projecting eco-roofed canopy.

Commercial tenant entries are all accessible and located at pedestrian pathways, on either Interstate or Killingsworth. They are indicated by overhanging metal canopies and inset doors that lead the customers into the spaces. These entries feature internally illuminated vertical reveals in the structural columns on one side of each door as well as internally illuminated blade signs above each entry. *This guideline is therefore met.*

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: The placement of the "L" shaped building at the southwest corner of the site allows the individual garage spaces and surface parking area to be placed behind the building, away from the two transit streets. The site contains 31 onsite parking spaces and 15 private garages. The parking area accommodates loading for residential and commercial uses with one large loading space along the east-west drive aisle and a second smaller space designated inside the surface parking area. Maximizing on-site parking and loading reduces the use of on-street parking in the adjacent residential neighborhood. Carport structures cover the surface parking spaces, minimizing the visual impact of the parking area. Vehicle headlights are screened from the street and nearby single-family homes by a wood slat system attached to the street-facing side of the carport. In front of the wood screen are the Heritage tree and a 13-foot landscape strip containing trees and shrubbery, a 7-foot sidewalk and 4-feet of green street planters (or bio-swales) up to the curb.

The residences along N Church Street are screened from the parking area and Tri-Met substation by shrubs and groundcovers in perimeter planting strips. In addition to the planting strips along N Church Street and N Maryland Avenue, the base of the existing street trees along both edges will be planted to buffer the site's edges. *This quideline is therefore met.*

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: Deterrents to crime include outdoor storefront lighting, window systems and the commercial and residential ground floor door orientation toward the street. Wall-mounted exterior building sconces and light fixtures in column reveals, recessed lighting above retail units and internally lit retail signage, provide pedestrian scale lighting along the sidewalks. Together with the existing street lighting along N Killingsworth Street and N Interstate Avenue, the building frontages and sidewalks will be illuminated and promote "eyes on the street" at night as a crime deterrent.

The building's rear main entrance also contains recessed can lighting and surface mounted lighting. There are also fluorescent lights on the underside of carports, decorative lighting at west elevation columns, and wall mounted down lighting at each garage door, providing security for the rear of the site. *This guideline is therefore met.*

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings: The North Interstate District Plan describes the area between Interstate Avenue and I-5 as the place for intense redevelopment from a single-family neighborhood to a mixed-use area with increased heights and density. Killingsworth Station is one of the first projects being built in response to the new vision for the Interstate corridor. As a transition building, the project still strives to lessen its impact on the existing residential area to the east by locating less intense uses along N Church and N Maryland Streets and more intense uses along N Interstate Avenue and N Killingsworth Street. Exterior finish materials are a combination of more commercial concrete and steel at the base of the building and more residential elements like siding, balconies, and wood sun screens at the upper floors. Landscaping around the perimeter of the site is also consistent with the neighborhood. *This guideline is therefore met*.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings: The project is a 4 story "L" shaped building featuring a set back ground level of architectural-grade poured concrete, glass, metal canopies, and lighted column reveals topped with 3 stories of residential units finished in multiple colors of Swiss Pearl panels with bay-like projections clad in wood siding. Custom-made wood sun screens appear along the west façade and can be opened and closed by the residents, making a lively, ever-changing composition along the MAX Light Rail line. The main residential entry from Killingsworth carries the glass and metal canopy theme up the body of the building, highlighting the glazed breezeway connection between the two portions of the "L" shape. The interior facades, facing the parking area, feature smooth-face concrete block at the lower level with Swiss Pearl panels and siding up above. The large wall planes around the building are broken up by the color pattern, window fenestration, balconies, and projecting

open metal railings. The overall building design presents a cohesive composition of high-quality, long-lasting materials. *This guideline is therefore met.*

II. Modifications Through Design Review 33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- **A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- **B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following modifications are requested:

- Modification #1 Reduce the parking lot landscape buffer at the north boundary of the CXd zone adjacent to the Tri-Met substation from 5 feet to 3 feet wide with L3 landscaping. (PZC.33.266.130.G.2c)
- Modification #2 Reduce the parking lot landscape buffer at N. Church Street from 5 feet to 2'-9" wide for 10 feet along the public right-of-way. (PZC.33.266.130.G.2d)

Purpose: The development standards promote vehicle areas, which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

Standard: The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines (E1, D3 & D4); and

Findings: Killingsworth Station is adjacent to an existing one-story Tri-Met MAX line substation building that sits on a substandard sized lot. Tri-Met has sold a portion of the vacant southern edge of their lot to the Killingsworth Station development team, further reducing the Tri-Met lot size. Since the Tri-Met lot is substandard in size and no future development is planned for it, reducing the landscaping buffer from 5 to 3 feet has no impact on the Tri-Met substation, which is not an occupied structure. The proposed

landscaping maintains a separation between the buildings and creates a pleasing pedestrian environment.

The parking area on the eastern portion of the Killingsworth Station site features a very deep landscape buffer along its eastern edge, eco-roofs on its three carports, and also retains a large Heritage Tree. Both N Maryland and N Church Streets will have sidewalk improvements, newly planted parking strips and street trees, further improving the landscape buffers between vehicles and pedestrians. The narrow 10 foot long portion of perimeter landscaping along N Church Street will be landscaped in the same manner as the remainder of N Church Street and will soften the impact of the parking area on the pedestrian environment.

B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Findings: The proposed 3 foot strip of landscaping between Killingworth Station and the Tri-Met substation will create a green buffer between structures that reduces the amount of paved area and stormwater runoff from the project site.

The reduced perimeter landscaping strip along N Church Street will continue to function as a buffer between the parking area and the sidewalk. Landscaping will be continuous along N Church Street, combined with sidewalk improvements and new street trees will reduce stormwater runoff from the parking area and minimize its visual impact on the neighborhood.

The overall solution is consistent with the purpose of landscaped setbacks. *This Modification therefore merits approval.*

• Modification #3 - Provide no separated pedestrian connection from the interior of the site to N. Church Street. (PZC.33.130.240.B.1a)

Purpose: The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

Standard: Sites with more than one street frontage must provide an additional connection, which does not have to be a straight line, is required between each of the other streets and a pedestrian entrance.

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines (E1 & D2); and

Findings: Killingsworth Station occupies almost an entire block and is bounded by four streets. Direct pedestrian connections are provided to commercial tenants on N Interstate and N Killingsworth. The main residential lobby is directly accessible from N Killingsworth and the Tri-Met transit stations. The rear residential entry is accessible from all areas of the parking lot as well as by a paved pedestrian pathway from N Maryland. All pedestrian pathways connect to surrounding sidewalks.

B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Findings: Vehicular access is provided from N Church Street by a drive aisle easement shared with the adjacent Tri-Met substation property. Pedestrian access from N Church Street would be part of the drive aisle and is therefore not provided to enhance pedestrian safety on the site. It is expected that the majority of residents will access the main

residential entry from the transit stations which directly connect to the building, or the rear entry from the parking lot itself. Therefore, a direct pedestrian connection is not necessary from N Church Street.

The overall solution is consistent with the purpose of required pedestrian connections. *This Modification therefore merits approval.*

• Modification #4 - Reduce the size of one of the two required loading spaces from required at least 35 feet long, 10 feet wide, and have a clearance of 13 feet to 16 feet long and 8 feet-6 inches wide, the size of regular parking space (PZC.33.266.310.D)

Purpose: A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Standard: Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines (D4 & D7); and

Findings: The smaller second loading space will be used by light trucks and vans. It is located in a parking space not distinct from the parking area. This location will minimize the impact of the loading zone on the adjacent neighborhood by providing a buffered off-street space for delivery vehicles.

B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Findings: One full-sized loading space is provided opposite the south garage entrances. This will be used for larger delivery trucks. The second loading space will be provided in an adjacent parking space. This space will be reserved for smaller trucks and vans during normal business hours, allowing them to park out of the way of other on-site vehicle traffic. The number and size of the residential units support the smaller space for stepvans and light trucks more common with low-rise residential uses.

Transportation has commented on, and approves of, the reduction in depths for both stalls citing the small size of apartments and clearance area allowed for full-sized moving vans. As a Condition of Approval, the smaller loading space within the parking area must be signed and marked as "Service Vehicles 9AM-4PM" to provide adequate loading space for the project.

The overall solution is consistent with the purpose of the loading zone size requirements. *This Modification therefore merits approval.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33, Portland Zoning Code can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

Killingsworth Station is a cohesive architectural design done with materials providing quality and permanence within the newly designated North Interstate Plan District. The project fulfills the Plan District's vision for new multi-story, multi-family, transit-oriented, mixed-use developments major intersections such as N Interstate and N Killingsworth. Site development helps define a new urban edge by placing the building closest to N Interstate and N Kilingsworth with direct access to the commercial tenant entrances as well as the main residential lobby. The pedestrian realm is improved with new sidewalks, street trees, landscape buffers around the surface parking area, eco-roofs on the carports, and retention of a large Heritage Tree on N Maryland. All portions of the site are well lighted and fully accessible. Impacts on the adjacent single-family residences are minimized by the building's placement on the site, significant landscaping, on-site parking and loading, and shared vehicular access from N Church Street for both Killingsworth Station and the Tri-Met substation to the north. The requested Modifications are approved as the intent of the zoning purpose and standards are still met.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Killingsworth Station, a 4-story, 62,855 SF mixed-use residential development with carport-covered surface parking, individual garages, commercial tenant space on the ground floor and residential units above; an architectural concrete and smooth-faced concrete block ground level with integral column accent lighting and tenant signage, metal canopies over commercial and residential entries, Swiss Pearl and wood siding at the upper floors, multiple projecting residential balconies, and sliding wood sun shades at the west elevation;

Approval of the following Modifications:

- 1. Reduce the parking lot landscape buffer at the north boundary of the CXd zone adjacent to the Tri-Met substation from 5 feet to 3 feet wide with L3 landscaping. (PZC.33.266.130.G.2c);
- 2. Reduce the parking lot landscape buffer at N. Church Street from 5 feet to 2'-9" wide for 10 feet along the public right-of-way. (PZC.33.266.130.G.2d);
- 3. Not provide a separated pedestrian connection from the interior of the site to N. Church Street. (PZC.33.130.240.B.1a);
- 4. Reduce the size of one of the two required loading spaces from required at least 35 feet long, 10 feet wide, and have a clearance of 13 feet to 16 feet long and 8 feet-6 inches wide, the size of regular parking space (PZC.33.266.310.D);

per the approved site plans, Exhibits C-1 through C-40, signed and dated December 22, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 08-160136 DZM". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED".
- B. The smaller loading space within the parking area must be signed and marked as "Service Vehicles 9AM-4PM" to provide adequate loading space for the project.

Decision rendered by: _	Chris Caruso	on December 22, 2008
<u>.</u> -		

Decision mailed: December 24, 2008

Staff Planner: Chris Caruso

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 4, 2008, and was determined to be complete on **October 6, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on September 4, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G-8.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on January 7, 2009 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after **January 8, 2009**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

All conditions imposed herein;

- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

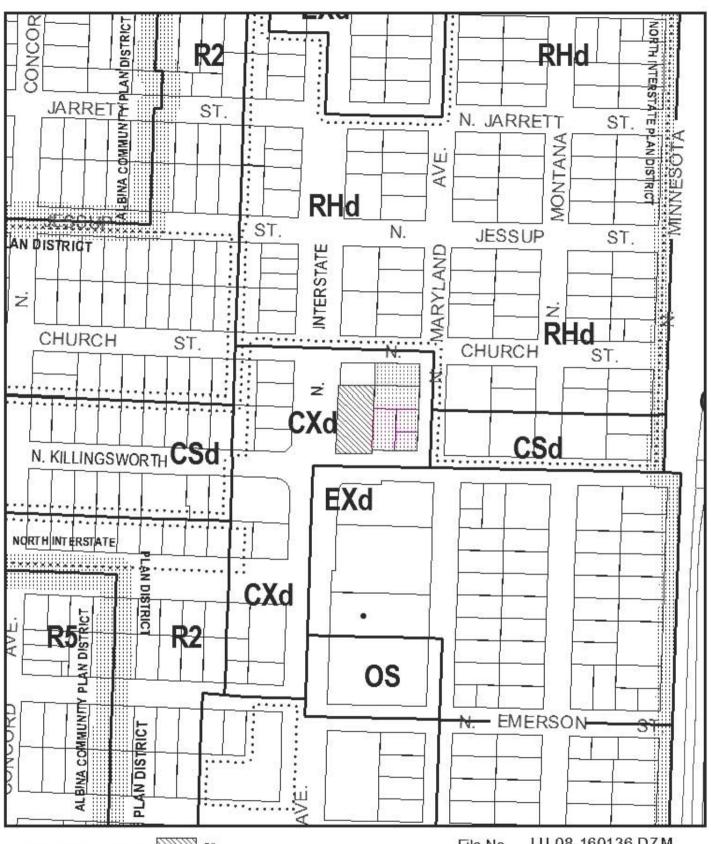
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 - 1. Design Review Narrative
 - 2. Applicant memo dated September 11, 2008
 - 3. 120-Day Waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. DR0 Elevations [attached]
 - 3. DR1 Streetscape
 - 4. DR2 Streetscape
 - 5. DR3 Streetscape
 - 6. DR4 Streetscape
 - 7. DR5 Exterior Material Schedule
 - 8. DR6 Details
 - 9. DR7 Details
 - 10. DR8 Details
 - 11. DR9 Exterior Lighting
 - 12. DR10 Elevations
 - 13. DR11 Elevations
 - 14. DR12 Section/Elevations
 - 15. A3.1 Elevations S&W
 - 16. A3.2 Elevations N&E
 - 17. A3.3 Section/Elevations
 - 18. A2.1-P 1st Floor Plan
 - 19. A2.1-RCP 1st Floor RCP
 - 20. A2.2-P 2nd Floor Plan
 - 21. A2.3-P 3rd/4th Floor
 - 22. A2.5 Roof Plan
 - 23. A4.1 Sections
 - 24. A5.1 Wall Sections-East Bldg
 - 25. A5.2 Wall Sections-East Bldg
 - 26. A5.3 Wall Sections-West Bldg
 - 27. A5.4 Wall Sections-West Bldg
 - 28. A5.5 Wall Sections-West Bldg
 - 29. A5.6 Section thru Bridge
 - 30. A5.7 Sections thru Bridge
 - 31. L3.01 Planting Plan Level 1
 - 32. L3.02 Planting Plan Level 2
 - 33. C0.0 Civil Notes
 - 34. C1.0 Layout and Paving Plan
 - 35. C2.0 Grading and Erosion Control Plan
 - 36. C3.0 Utility Plan
 - 37. C4.0 Details
 - 38. C5.0 Details
 - 39. Light Fixture Cut-Sheets
 - 40. Stormwater Report
- D. Notification information:
 - 1. Mailing list

- 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Site Development Review Section of BDS
 - 3. Tri-Met
 - 4. Bureau of Environmental Services
 - 5. US Department if Transportation
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter
 - 4. Staff emails

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Also Owned

Historic Landmark

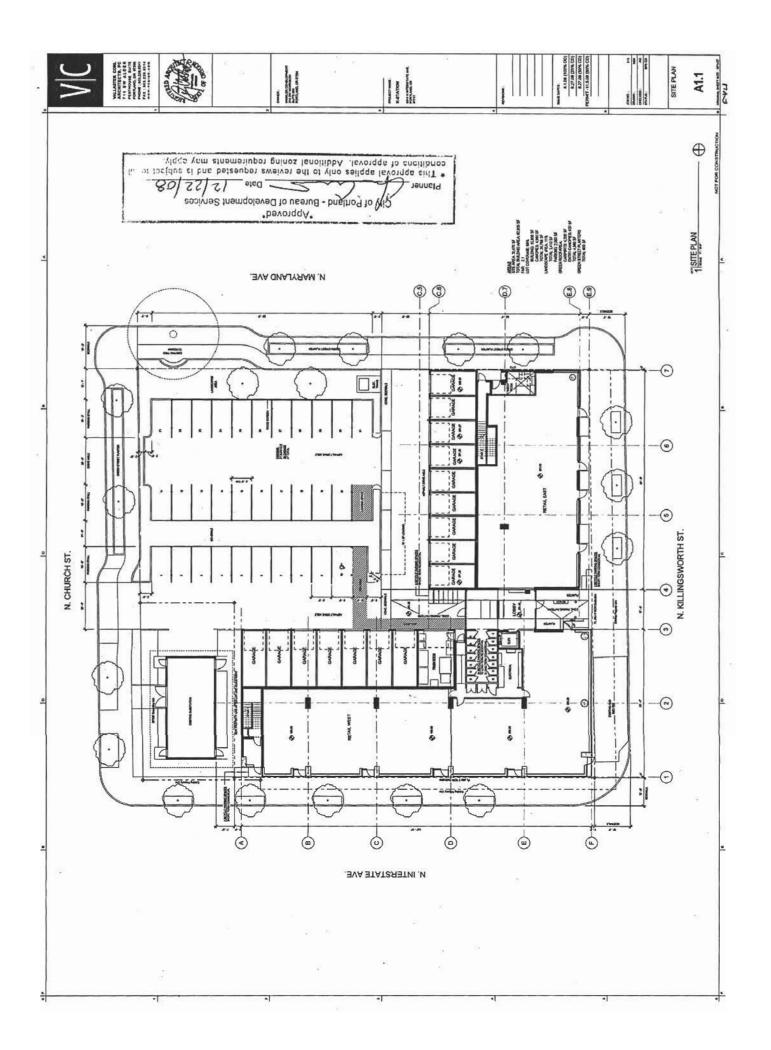


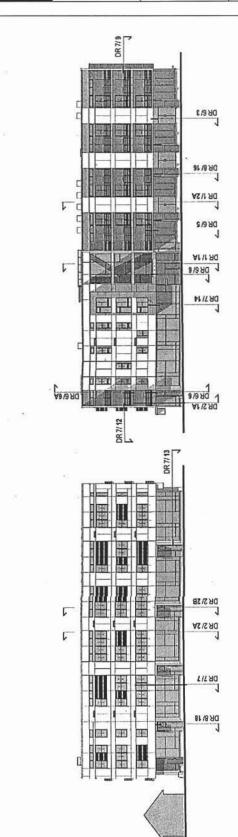
This site lies within the: NORTH INTERSTATE PLAN DISTRICT File No. <u>LU 08-160136 DZ M</u> 1/4 Section <u>2429,2529</u>

Scale 1 inch = 200 feet

State_Id ___1N1E15CC 16800

Exhibit B (Sep 04,2008)





VALLASTER CORL
ARCHITECTS, PC
711 S W ALDER
PEYTHOUSE SUITE
PORTLAND, OR 97205
PHONE: 563.228.0314
FAX: 563.228.0314
www.vearch.com



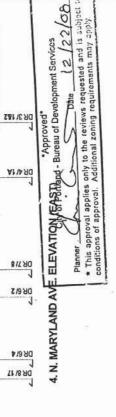
WINKLER DEVELOPMENT 210 SW MORRISON SUITE 600 PORTLAND, OR 97204

PROJECT STATUS: 50% CD

5514 N INTERSTATE AVE. PORTLAND, OR 97217

PROJECT:
K-STATION

1. N. INTERSTATE AVE. ELEVATION (WEST)



3. N. CHURCH ST. ELEVATION (NORTH)

OF 17 90

DR 4/2A

UL 08-140136 DZM EXH. C-2

DR0

ELEVATIONS